

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-24478 - APPLICANT/OWNER: MICHAEL VILLAGE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to reclassify 1.96 acres of property from the R-E (Residential Estates) Zoning District to the C-1 (Limited Commercial) Zoning District. The property consists of two parcels generally located at the southwest corner of Lake Mead Boulevard and Michael Way. An affiliated General Plan Amendment (GPA-24477) and Site Development Plan Review (SDR-24479) accompany this application request.

Because this request and the related General Plan Amendment constitute spot zoning as defined in Title 19.20, staff cannot support this request. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
8/19/99	The City Council approved an update of the Southwest Sector Map (GPA-0023-99) of the city of Las Vegas General Plan. On this map, the subject properties were designated for R (Rural Residential) land uses, with a maximum density of 3.5 dwelling units per acre.
9/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
1/18/06	The City Council approved a General Plan Amendment (GPA-7323) to reclassify the property to an L (Low Density Residential) land use classification; an associated request for Rezoning (ZON-7470) to R-PD4 (Residential Planned Development - 4 Units Per Acre) from R-E (Residence Estates), a Variance (VAR-7535) to reduce the minimum area required for formation of an RPD (Residential Planned Development), a Waiver (WVR-10086) to allow approximately 145 feet between street intersections where 220 feet is the minimum offset required, and a Site Development Plan Review (SDR-7473) for an 11-lot single-family residential development.
10/25/06	The Planning Commission accepted the applicant's request for an abeyance to the 12/06/07 Planning Commission meeting in order to meet with the neighbors.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses associated with either parcel (APN 138-24-305-001 and 003) of the subject site.	

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<i>Pre-Application Meeting</i>	
8/30/07	A pre-application meeting was held with staff to discuss the process of submitting a request to construct a commercial development on two undeveloped parcels. Issues regarding the existing residential land use, previous history of development requests, and requirements necessary to pursue this proposal were discussed. Staff determined that an approved General Plan Amendment, Rezoning, and Site Development Plan Review will be necessary to proceed with development. The applicants and their representatives requested a neighborhood meeting (required for a General Plan Amendment) to discuss this proposal with the neighbors of the property.
<i>Neighborhood Meeting</i>	
9/25/07	<p>A neighborhood meeting is not required for a Site Development Plan Review; however, a neighborhood meeting was held to meet the submittal requirements of the accompanying General Plan Amendment (GPA-24477) request. The following comments were made during the meeting:</p> <ul style="list-style-type: none"> • Liquor uses at this site • Traffic exiting to Lake Mead • Increase Traffic • Request to preserve as Horse Property • No convenience stores • No Apartments or Condos • Some supported Commercial • Access to Shadow Mountain • People hanging out in the parking lot after hours • Request to move the buildings closer to residential to allow for police to observe activity after hours • Concern about overall land use at this location
11/27/07	A neighborhood meeting was scheduled on Tuesday, November 27, 2007 at 6:30 p.m. The meeting was held in the Multi-Purpose Room at Ronzone Elementary School, 5701 Stacey Avenue, Las Vegas, Nevada.
<i>Field Check</i>	
9/21/07	<p>The following observations were made by Planning and Development Staff during a routine field check:</p> <ul style="list-style-type: none"> • Undeveloped property with existing eight foot wall on the west and portion of the south perimeter. No wall adjacent to Single Family Residence located at 1950 North Michael Way. • Large-lot residential properties with horses adjacent to the south. • Church located to the west of the property on R-E (Residence Estates) zoned property. • Michael Way primarily residential in character.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.96 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units per Acre)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Single-Family Residential	R (Rural Density Residential)	R-E (Residential Estates)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Church	R (Rural Density Residential)	U (Undeveloped)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails	X		Y*
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

*A Pedestrian Path is required. More information is provided with SDR-24478.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 feet	375 feet	Y
Min. Setbacks			
• Front	20 feet	20 feet	Y
• Side	10 feet	20 feet	Y
• Corner	15 feet	34 feet	Y
• Rear	20 feet	83 feet	Y
Min. Distance Between Buildings	10 feet	60 feet	Y
Max. Building Height	NA	24 feet	NA

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Trash Enclosure	Enclosed and Covered	Enclosed and Covered	Y
Mech. Equipment	Screened from public view	Screened from public view	Y

ANALYSIS

The applicant is requesting a Rezoning from the existing R-E (Residence Estates) Zoning District (that is still under an active Resolution of Intent to the R-PD4 (Residential Planned Development – 4 Units per Acre) zoning district) to the C-1 (Limited Commercial) Zoning District. A related General Plan Amendment (GPA-24777) has been requested to accommodate a change in land use for two parcels that previously approved for a residential development. Although the applicant is requesting a commercial zoning district that is in compliance with the requested General Plan Amendment, the two requests in total would constitute “spot zoning” as defined in Title 19.20 as such:

“Rezoning of a lot or parcel or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.”

Because the applicant’s proposal for a Rezoning to the C-1 (Limited Commercial) Zoning District for a General Retail Development cannot be accomplished without resulting in the two parcels being zoned in isolation from the adjacent residential properties, staff recommends denial.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The proposed SC (Service Commercial) Land Use designation on two parcels currently designated as Low Density Residential is not compatible with the existing R (Rural Density Residential) and L (Low Density Residential) properties that surround the subject site. Because the increase in the intensity of use has created this incompatibility, staff recommends denial of this request, and the affiliated Rezoning (ZON-24478) and Site Development Plan Review (SDR-24479).

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2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Although the requested C-1 (Limited Commercial) Zoning District is the appropriate zoning district for the requested SC (Service Commercial) land use designation, this commercial district is incompatible with the surrounding residentially zoned properties.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

A previous approval for an 11-lot single family development (ZON-7470 and SDR-7473) has demonstrated that the current L (Low Density Residential) Land Use designation may provide for a viable residential proposal. There is little demonstration that growth and development factors would warrant the spot zoning of these two parcels to accommodate a 15,030 square-foot General Retail development that is not compatible with the surrounding single family residences.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Lake Mead Boulevard, an 80-foot wide Secondary Thoroughfare provides direct access to the site from driveway at the front of the property. Additional access is also provided off of Michael Way, a 60-foot wide Collector Street.

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

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